

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW  
ETHICS ADJUDICATORY BOARD**

**BOARD OF ETHICS**

**\* DOCKET NO. 2020-5862-ETHICS-A**

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**IN THE MATTER OF**

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**LARRY COCHRAN, JR.**

**\* AGENCY TRACKING NO. 5120-050**

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**DECISION AND ORDER**

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested an adjudicatory hearing before the Ethics Adjudicatory Board to determine whether Larry Cochran, Jr., failed to file his 10-G campaign finance disclosure report by the eleventh day after it was due in connection with his 2019 candidacy for St. Charles Parish President. The Louisiana Board of Ethics proved by clear and convincing evidence that Larry Cochran, Jr., failed to file his 10-G campaign finance disclosure report by the eleventh day after it was due. The Louisiana Board of Ethics is authorized to impose an additional civil penalty of up to \$10,000 upon Larry Cochran, Jr., as allowed by La. R.S. 18:1505.4(A)(4)(b).

**APPEARANCES**

An adjudicatory hearing in this matter was conducted on October 16, 2020, in Baton Rouge, Louisiana, before Panel A of the Ethics Adjudicatory Board.<sup>1</sup> Charles E. Reeves, Jr., appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Larry Cochran, Jr., did not appear for the hearing.<sup>2</sup>

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<sup>1</sup> The panel consisted of administrative law judges Sherlyn D. Shumpert (presiding), A. Brock Avery, and Lance B. Vinson.

<sup>2</sup> BOE Exhibit 11. The hearing notice was mailed on June 26, 2020, by the Administrative Hearings Clerk for the Division of Administrative Law to Larry Cochran, Jr. at: 114 Oaklawn Ridge Lane, St. Rose, Louisiana, 70087.

## STATEMENT OF THE CASE

In connection with his 2019 candidacy for St. Charles Parish President, the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure (BOE), imposed a civil penalty on Larry Cochran, Jr., (Respondent) for failing to file the campaign finance disclosure report that was due on the tenth day before the general election (the 10-G report). The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file his 10-G report by the eleventh day after it was due, which may subject him to an additional civil penalty of up to \$10,000, as provided by La. R.S. 18:1505.4(A)(4)(b).

Counsel for the BOE offered eleven exhibits during the hearing, all of which were admitted into evidence.<sup>3</sup> Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

## FINDINGS OF FACT

Respondent was a candidate for the office of St. Charles Parish President.<sup>4</sup> The primary election was held on October 12, 2019, and the general election was held on November 16, 2019.<sup>5</sup> Respondent was required to file his 10-G report by November 6, 2019, which was ten

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<sup>3</sup> All of the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE Exhibit 1 (September 4, 2020, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).

<sup>4</sup> BOE Exhibit 2.

<sup>5</sup> BOE Exhibit 4.

days prior to the general election.<sup>6</sup>

On July 17, 2020, the BOE issued a *Late Fee Assessment Order* ordering Respondent to pay the statutory late fee of \$2,000 for failing to timely file his 10-G report.<sup>7</sup> The BOE also informed Respondent that he may be subject to an assessment of an additional civil penalty of up to \$10,000 if he knowingly failed to file his 10-G report by the eleventh day after the report was due.<sup>8</sup> The *Late Fee Assessment Order* was delivered to Respondent by certified mail on July 20, 2020.<sup>9</sup> As of October 5, 2020, Respondent had not filed his 10-G report.<sup>10</sup>

### CONCLUSIONS OF LAW

Respondent knowingly failed to file a 10-G report by the eleventh day after the report was due. Because of this failure, the BOE is authorized to impose an additional civil penalty of up to \$10,000 upon Respondent, as allowed by La. R.S. 18:1505.4(A)(4)(b).

In adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(b), the BOE must prove by clear and convincing evidence<sup>11</sup> that Respondent knowingly<sup>12</sup> failed to file required campaign finance disclosure reports. If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file his 10-G report by the eleventh day after it was due,<sup>13</sup> then the BOE, may impose an additional civil penalty of up to \$10,000 upon Respondent.<sup>14</sup>

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<sup>6</sup> See La. R.S. 18:1495.4(B)(5); see also BOE Exhibit 4.

<sup>7</sup> BOE Exhibit 6, p. 2.

<sup>8</sup> *Id.* at p. 1.

<sup>9</sup> *Id.* at p. 3. As a result of the COVID-19 pandemic, U.S. Postal Service mail carriers entered “C-19” in the signature field to indicate that the item was delivered without the recipient’s signature.

<sup>10</sup> BOE Exhibit 7.

<sup>11</sup> See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.... The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

<sup>12</sup> La. R.S. 18:1505.4(A)(1).

<sup>13</sup> The eleven-day period applies to reports other than those a candidate is required to file between qualifying for the election and the day of the election.

<sup>14</sup> See La. R.S. 18:1505.4(A)(4)(b).

### ***Report Filing Requirements and Fixed Statutory Penalty***

Respondent was a candidate for St. Charles Parish President, which is a district office.<sup>15</sup> Every candidate (or his campaign treasurer) for a district office is required to file certain campaign finance disclosure reports by the deadlines provided in the CFDA.<sup>16</sup> Failure to timely submit the required report constitutes a violation of the CFDA.<sup>17</sup> Failure to submit the required report within three days after the final date for filing is presumptive evidence of intent to not file the report.<sup>18</sup>

As a candidate for a district office, Respondent was required to file a 10-G report by the tenth day prior to the general election.<sup>19</sup> The general election was held on November 16, 2019 and the 10-G report was due by November 6, 2019. The BOE issued a *Late Fee Assessment Order* ordering Respondent to pay the statutory late fee of \$2,000 for failing to timely file his 10-G report.<sup>20</sup>

### ***Assessment of Additional Civil Penalty***

With the benefit of the un rebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his 10-G report more than eleven days after it was due.<sup>21</sup> As a result, the BOE is authorized to impose an additional civil penalty up to \$10,000 upon Respondent as allowed by La. R.S. 18:1505.4(A)(4)(b).

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<sup>15</sup> See La. R.S. 18:1483(7)(e) (defining “District office”).

<sup>16</sup> La. R.S. 18:1484(1).

<sup>17</sup> La. R.S. 18:1505.1(B).

<sup>18</sup> La. R.S. 18:1505.1(A).

<sup>19</sup> La. R.S. 18:1495.4(B)(5).

<sup>20</sup> See La. R.S. 18:1511.4.1(C) (providing individuals a right to appeal a final order for the payment of civil penalties).

<sup>21</sup> The 10-G report was due November 6, 2019; the third day after November 6, 2019, was November 9, 2019; and the eleventh day after November 6, 2019, was November 17, 2019.

## ORDER

**IT IS ORDERED** that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized by La. R.S. 18:1505.4(A)(4)(b) to impose an additional civil penalty of up to \$10,000 upon Larry Cochran, Jr. for failing to file his 10-G campaign finance disclosure report by the eleventh day after it was due.

Rendered and signed on November 30, 2020, in Baton Rouge, Louisiana.

*Sherlyn D. Shumpert*

Sherlyn D. Shumpert  
Presiding Administrative Law Judge  
Ethics Adjudicatory Board- Panel A

*AB Avery*

A. Brock Avery  
Administrative Law Judge  
Ethics Adjudicatory Board- Panel A

*Lance B. Vinson*

Lance B. Vinson  
Administrative Law Judge  
Ethics Adjudicatory Board- Panel A

### NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, December 01, 2020, I have sent a copy of  
this decision/order to all parties of this matter.

*Clerk of Court*

Division of Administrative Law

## **REVIEW RIGHTS**

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in Louisiana Revised Statute 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

**To request a rehearing or reconsideration, please send it to one of the addresses indicated below:**

**EMAIL documents to:**  
**[EABprocessing@adminlaw.state.la.us](mailto:EABprocessing@adminlaw.state.la.us)**

**FAX documents to:**  
**EAB Section Deputy Clerk**  
**(225) 219-9820**

**MAIL documents to:**  
**DAL – EAB Section**  
**ATTN: EAB Section Deputy Clerk**  
**P. O. Box 44033**  
**Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.